

United States District Court  
Southern District of New York

Ms. July Justine Shelby,  
Petitioner,

April 15, 2020

v.

Warden James Petrucci,  
Federal Correctional Institution  
Otisville New York,  
United States Bureau of  
Prisons, President  
Donald J. Trump,  
Respondents, et al

Cause No. 20-cv-3233

EMERGENCY WRIT of Habeas Corpus

Comes now Petitioner July Justine Shelby,  
(Hereinafter "Ms Shelby") Prase, and prays  
to the Honorable Court for immediate relief  
From her suffering. Without the sought after  
relief Ms. Shelby fears for her health, safety  
and life.

Back Ground

Ms. Shelby is a 55 year old transgender  
female who asserts through a separate action in  
this Court that she is illegally detained in a  
male prison facility in spite of her sentencing  
Court's recommendation she be placed in a  
federal Women's Medical facility.

That action is currently stalled in this Court.

Ms. Shelby is currently isolated in a quarantine cell having contracted Covid 19 from an unidentified source though she has had no outside contact or contact with other inmates since April 10, 2020 with the exceptions of SHU staff who regularly failed to follow PPE rules and the three male inmates she was forced to share cells with while in the SHU on unsubstantiated and false conduct allegations put forward by a male staff member for and in Retaliation for her making a sexual harassment complaint under the Prison Rape Elimination Act of Congress.

Ms. Shelby has a 2015 diagnosis of Emphysema /COPD which as an underlying condition has enhanced her danger in contracting Covid 19 from indifferent prison staff.

Ms. Shelby suffers from Gender Dysphoria which the Respondents have collectively adopted a freeze frame approach to treatment. She continues to be neglected by medical staff in light of her current ill health in that she is not being treated for this virus and is left to

Suffer alone, in silence in a stripped cell. Mr. Shelby has requested her personal property repeatedly, including personal hygiene items, supplemental food items, legal work and writing materials. All has been refused to her and but for the discrete kindness of a porter she would not be able to perfect this writ.

Ms. Shelby is denied the offender grievance process and access to the Courts as recently as April 15, 2020 at 12:30 pm when she asked Warden Petrucci for her property, legal work and mail access. Mr. Petrucci stated that "this" was his decision, it applies to everyone and he was not going to change it."

Ms Shelby has suffered retaliation by staff while housed within the BDP on several occasions due to her gender status and believes the system wide discrimination against trans-genders and her specifically will not improve in the current political environment due to the bias of Respondent Trump and his minions. Ms. Shelby will continue to be harassed, persecuted and discriminated against as long as she is in the custody of the Respondents.



## QUESTIONS of Constitutional Law

Petitioner Prays the Honorable Court will recognise that she is being denied access to the Law Library, her legal papers and the Courts by Respondents which makes it all but impossible to do research, write and cite case law in her action.

Ms. Shelby is citing Civil Rights and Constitutional Violations including but not limited to:

- 1) 8<sup>th</sup> Amendment Cruel and Unusual Punishment for isolating her, refusing to allow her access to medical care and Access to the Courts.
- 2) 1<sup>st</sup> Amendment Freedom of Speech, Association. for denying her access to public mail and telephones.
- 3) 14<sup>th</sup> Amendment Due Process for denying access to the Courts and redress of Grievances.
- 4) Any other Constitutional Right violation not cited herein which may affect her.

5) Violation of the Prison Rape Elimination Act (Hereinafter known as PREA) for not once but twice allowing custody staff to retaliate against her for lodging complaints of sexual assault and harassment by staff.

### RELIEF SOUGHT

1) Petitioner is in a most precarious state in that she is not certain her petitions will reach the Court's view. She fears swift and severe retaliation from Respondents when they learn of this writ of Habeas Corpus and therefore Prays for immediate protection from retribution by Respondents through a Protective Order banning them from removing her from the Court's jurisdiction as Respondents have a habit of doing.

2) Petitioner requests the Court appoint an advocate to act as an emissary of the Court to assure Ms Stolby remains at FCI Otisville and is secure from retaliation from staff. This Order shall remain in effect until final disposition of this case.

3) Because Ms. Shelby is being denied access to the Courts and is in legal as well as mortal peril she begs the Court to appoint her Counsel to represent her throughout this process.

4) Ms. Shelby prays for immediate release from Federal Custody so that her medical treatment can be adequately addressed and her safety and security will not be jeopardized by Respondents actions or lack thereof.

5) Should Respondents choose in the interests of Justice, they could release Petitioner to either community supervision or probation to allow her to pursue and obtain legitimate medical and social services Respondents are unwilling to provide.

6) Alternatively Respondents can redesignate Ms. Shelby to a Female Medical Facility in line with the US District Court 7th Circuit recommendation and provide her with real and meaningful medical care and safe, unbiased treatment as a female inmate.

For all other relief the Honorable  
Court deems just, necessary and proper in  
these claims.

Further Petitioner Sayeth Not.

Respectfully Submitted

Julia Justine Shelby, Rose  
Reg # 15472028.

4/18/2020



Dear Pro Se Clerk

4/15/2020

At great risk I am submitting the enclosed Writ of Habeas Corpus. My health is precarious currently and I fear waiting to file this for fear I may expire.

I beg you for understanding and leniency in accepting my hand written motions and pray you waive any fees incurred as I am indigent and know Respondents will not provide me necessary documentation or checks.

I am unable to make copies or send multiple filings so I pray this will find me relief. God Bless You and Good Health.

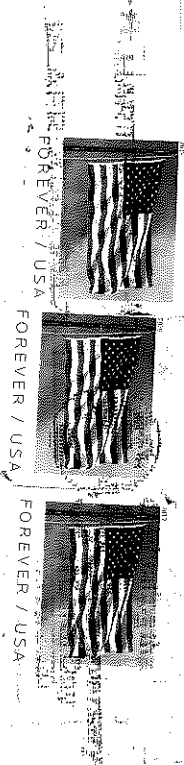
Jacky Shelby

Please return me a file stamped copy as I am unable to make them in isolation.



15472-028

July Shelby  
Pob 1000 TWO MILE DR  
Otsville, NY 10963  
United States, 1



*Pro SE*

USMP3  
15472-028

U S Dst Ct New York Southern  
500 Pearl ST  
Pro se Office Rm 230  
NEW YORK, NY 10007  
United States

Legal Mail  
10007-13009  
WAT of Habeas Corpus

